

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 J & J SPORTS PRODUCTIONS, INC.,) Case No.: 11-CV-01159-LHK
11 Plaintiff,)
12 v.)
13 JOSEFINA TRUJILLO A/K/A JOSEFINA A.) ORDER DENYING MOTION TO
14 TRUJILLO, INDIVIDUALLY and d/b/a THE) STRIKE AFFIRMATIVE DEFENSES
15 ROUNDUP A/K/A PARAISO NIGHT CLUB,)
16 Defendant.)

17 Plaintiff J&J Sports Productions, Inc. (“Plaintiff”) filed a complaint against Josefina
18 Trujillo a/k/a Josefina A. Trujillo d/b/a The Roundup, aka Paraiso Night Club (“Defendant”) on
19 March 10, 2011. Defendant filed a proof of service indicating that Defendant had filed the Answer
20 on Plaintiff. *See* ECF No. 12. Defendant has never filed the Answer with the Court.

21 Plaintiff filed a motion to strike the affirmative defenses in Defendant’s Answer on July 19,
22 2011. A case management conference was held on July 27, 2011, at which Defendant failed to
23 appear. At the case management conference, Defendant was ordered to (1) file a copy of her
24 Answer by August 3, 2011, and (2) respond to Plaintiff’s motion to strike by August 5, 2011.
25 Defendant has, to date, failed to comply with both court orders. Plaintiff filed a status report on
26 October 5, 2011 indicating that he had not yet been in contact with Defendant, and that Defendant
27 had never, in fact, served Plaintiff with a copy of Defendant’s Answer. ECF No. 21. Plaintiff
28 offered no explanation as to why, if Plaintiff was never served with the Answer, Plaintiff filed a

1 motion to strike affirmative defenses. On October 5, 2011, Plaintiff also moved for an entry of
2 default in this case. ECF No. 20.

3 Pending before the Court is Plaintiff's motion to strike, set for hearing on October 13, 2011.
4 The Defendant has yet to file, and apparently serve, her Answer. Therefore, the motion to strike is
5 premature, and is DENIED without prejudice. The hearing set for October 13, 2011 is
6 VACATED.

7 A further case management conference is set for January 11, 2012 at 2:00 p.m. If
8 Defendant moves for an entry of default judgment, the case management conference will be reset
9 to the hearing date set for the entry of default judgment.

10
11 **IT IS SO ORDERED.**

12 Dated: October 6, 2011


LUCY H. KOH
United States District Judge